

## **REMARKS**

Claims 1 and 18 have been amended. Claims 23 and 24 have been added. Support for claims 23 and 24 is found at least in original claims 1 and 18. No other amendments have been made, and no new matter is added with the amendment. With entry of this Amendment, claims 1-24 will be pending in this application.

Prior rejections made with respect to claims 1-21 were withdrawn. Claims 1-21 stand rejected as being indefinite under 35 U.S.C. § 112, second paragraph. Claims 1-22 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting. Claims 1-22 stand rejected as being anticipated under 35 U.S.C. § 102(b) and being obvious under 35 U.S.C. § 103(a) over Zikeli (U.S. Patent No. 5,607,639). Claims 1-22 stand rejected as being obvious under 35 U.S.C. § 103(a) over Graveson (WO 96/21758 A1).

### **Obviousness-Type Double Patenting Rejection**

Claims 1-22 were provisionally rejected on the ground of non-statutory double patenting as being obvious over claims 1-27 of copending Application No. 10/500,917. Applicants submit herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c). Applicants do not, however, acquiesce to the merits of the rejection. Applicants submit the terminal disclaimer merely to facilitate the withdrawal of this rejection.

### **Independent Claim 1**

Independent claim 1 stands rejected under 35 U.S.C. § 112, second paragraph as indefinite for containing the phrases "such as" and "can be." Applicants have deleted the clause beginning "such as" from claim 1, and made it the subject of dependent claim 23. Applicants have amended the phrase "can be" to "is." Applicants respectfully submit that the amendments overcome the rejection and request that it be withdrawn.

Independent claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Zikeli. Claim 1 recites the following: "Apparatus for producing continuously molded bodies from a molding material, comprising a multitude of extrusion orifices through which during operation the molding material can be extruded into continuously molded bodies, a precipitation bath and an air gap arranged between the extrusion orifices and the precipitation bath, the continuously molded bodies being passed during operation in successive order through the air

gap and the precipitation bath, and a gas stream being directed in the area of the air gap to the continuously molded bodies, wherein the air gap directly after extrusion comprises a shielding zone and a cooling area separated from the extrusion orifices by the shielding zone, the cooling area being defined by the gas stream-designed as the cooling gas stream.”

The Office action states that Zikeli teaches “a process of, and apparatus for, making continuously molded bodies [...] including the aspect of a shielding zone (note in particular Figure 1, the distance between the extrusion orifice and the inlets/channels 2a and 2b).” Office action, page 4, part 8.

The Manual of Patent Examining Procedure “MPEP” states that, in order to anticipate a claim, a single reference must teach every element of the claim:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).”  
See MPEP § 2131

Zikeli does not teach claim 1’s air gap comprising “a shielding zone and a cooling area separated from the extrusion orifices by the shielding zone, the cooling area being defined by the gas stream-designed as the cooling gas stream.” Contrary to the assertion of the Examiner, Zikeli does not teach a shielding zone, nor is such a shielding zone indicated in Figure 1, or indeed anywhere in this reference. Rather, Zikeli discloses that the device “comprises an extrusion die with an extrusion orifice and is characterized in that immediately below the extrusion orifice a cooling gas inlet is provided for cooling the extruded sheet.” Column 2, lines 25-27, emphasis added.

Applicants respectfully submit that Zikeli therefore fails to disclose each and every element of claim 1, and does not anticipate claim 1.

Independent claim 1 stands rejected under 35 U.S.C. §103 (a) as being obvious over Zikeli. The Examiner concedes that “Zikeli et al do not explicitly teach the aspect of a shielding zone,” but states that “this aspect would have been obvious to one of skill in the art at the time the invention was made principally because Zikeli et al teach a distance between an extrusion orifice and a cooling zone (note in particular Figure 1, the distance between the extrusion orifice and the inlets/channels 2a and 2b).” Office action, page 5, part 11.

A *prima facie* case of obviousness requires: (1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; (2) a reasonable expectation of success; and (3) the art reference or combination of references must teach all of the claim limitations (MPEP 2142). The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicants' disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (MPEP 2143).

First, Zikeli does not teach or suggest each element of claim 1. Zikeli does not teach or suggest a shielding zone as recited in claim 1, nor is such a shielding zone even mentioned by Zikeli, including the depiction of the apparatus in Figure 1. Rather, as discussed above, Zikeli teaches that the device "comprises an extrusion die with an extrusion orifice and is characterized in that immediately below the extrusion orifice a cooling gas inlet is provided for cooling the extruded sheet." (Column 2, lines 25-27, emphasis added). Moreover, Zikeli teaches away from including any such shielding zone by teaching that "the cool extruded product is drawn through an air-gap." Col. 3, lines 57-58. Therefore, according to Zikeli, the extruded solution is cooled as soon as it leaves the extrusion orifice, even before entering the air-gap. Clearly, no "cooling area separated from the extrusion orifices by the shielding zone" as recited by claim 1 is taught or suggested by Zikeli and second, Zikeli provides no motivation for one of skill in the art to modify its teachings to include a shielding zone. Claim 1 recites an "air gap directly after extrusion comprises a shielding zone and a cooling area separated from the extrusion orifices by the shielding zone." Zikeli contains no suggestion that would motivate one of skill in the art to include these elements in the apparatus of claim 1, nor has the Examiner indicated where any such motivation may be found. Indeed, as discussed above, Zikeli teaches away from including a shielding zone by disclosing that the extruded solution is cooled as soon as it leaves the extrusion orifice, even before entering the air-gap.

Furthermore, given not only the absence of motivation to modify Zikeli, but also the emphasis placed by Zikeli on the cooling gas inlet being immediately below the extrusion orifice, and the extruded solution being cool before entering the air-gap, one of skill in the art would not have a reasonable expectation that a shielding zone could be successfully incorporated into the apparatus as recited in claim 1.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 1. Withdrawal of the rejection is respectfully requested.

Independent claim 1 stands rejected under 35 U.S.C. §103 (a) as obvious over Graveson. The requirement to establish a *prima facie* case of obviousness has been discussed above.

First, Graveson does not teach or suggest each element of the claim 1. Graveson does not teach or suggest or even mention a shielding zone as recited in claim 1. Rather, Graveson teaches that the solution “is extruded by way of a dye through an air-gap [...] the air-gap comprises a first region adjacent the face of the die,” page 2, lines 4-10 (emphasis added), and that “a first supply of air is blown into the air-gap 3 in a first region 9 adjacent the spinnerette 2.” Page 6, lines 15-16 (emphasis added).

Second, Graveson provides no motivation for one of skill in the art to modify its teachings to include a shielding zone. While the Examiner appears to suggest that one of skill in the art would be motivated to eliminate the blowing nozzle of the first region in the air-gap, the Examiner has not indicated where any motivation to modify Graveson to do so, either in the teachings of Graveson itself, or in the knowledge generally available to one of ordinary skill in the art, can be found. The Examiner asserts that “the elimination of an element (i.e., blowing nozzle 7 and suction nozzle 8) and its function (e.g., longer air gap) would have been obvious to one of ordinary skill in the art at the time the invention was made if the function is not desired.” Office action, page 6, part 12. The Examiner further asserts that “the length of the air gap could be shortened, which would result in, among other things, a more stable process.” Office action, page 6, part 12, but provides no basis or support for making this assertion. Applicants respectfully remind the Examiner that deficiencies of references cannot be saved by appeals to “common sense” and “basic knowledge” without any evidentiary support. In re Zurko, 258 F.3d 1379 (Fed. Cir. 2001). Applicants furthermore respectfully note that the reference must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention. MPEP § 2141. Because no valid basis was provided for modifying the reference, Applicants can only conclude that in making the rejection, the Examiner relied on impermissible hindsight to arrive at the claimed invention.

Moreover, contrary to the Examiner’s assertion that the use of an additional (first) blowing nozzle (7) can be eliminated from Graveson, it is, in fact, the essence of Graveson’s

invention that the “air-gap comprises a first region adjacent to the face of the die and the second region remote from the face of the die.” See claim 1. Graveson provides no motivation whatsoever to modify its teachings to include a shielding zone, or to eliminate the blowing nozzle of the first region in the air-gap. Rather, Graveson teaches in Example 4 that the tow of lyocell filaments is passed “through a 30 mm air-gap. The two supplies of air were blown transversely across the tow [...] from a 5 mm blowing nozzle disposed that immediately adjacent a spinnerette and [...] from a 25 mm blowing nozzle disposed over the lower portion of the air-gap.” Page 17, lines 12-17.

Third, one of skill in the art would not have a reasonable expectation that a shielding zone could be successfully incorporated into the apparatus as recited in claim 1, not least because Graveson provides no motivation or suggestion to include such a feature.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 1. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, allowance of claim 1 is respectfully requested.

#### **Dependent Claims 2-17 and 23**

Claims 2-17 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zikeli, as obvious under 35 U.S.C. § 103(a) over Zikeli, and as obvious under 35 U.S.C. § 103(a) over Graveson. Claims 2-17 and 23 depend from allowable claim 1, and are therefore allowable.

Claim 11 is also allowable for the following additional reasons. Claim 11 recites that “the cooling gas stream has a velocity component oriented into the direction of passage.” In contrast, Zikeli does not teach the cooling gas steam oriented in the direction of passage, but rather discloses directing the gas stream essentially at right angles to the direction of extrusion. Col. 3, lines 14-16 and claim 1. Accordingly, claim 11 is novel over Zikeli.

Claim 11 is also not obvious over Zikeli. First, a *prima facie* case of obviousness has not been set forth for claim 11, because Zikeli does not teach or suggest the element of claim 11 of a cooling gas steam oriented in the direction of passage, as discussed above. Moreover, Zikeli provides no motivation to modify its teachings. Rather, Zikeli teaches away from providing a cooling gas steam oriented in the direction of passage, teaching that “[i]t has proved to be especially effective when the gas stream is essentially at right angles to the direction of

extrusion.” Col. 3, lines 14-16 (emphasis added). Furthermore, with no motivation to modify Zikeli, one skilled in the art would not reasonably expect the modification to succeed.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 11. Withdrawal of the rejection is respectfully requested.

Claim 11, is also not obvious over Graveson. First, a *prima facie* case of obviousness has not been set forth for claim 11, because Graveson does not teach or suggest “a cooling gas stream oriented in the direction of passage.” Rather, Graveson teaches that “[a]ir is preferably supplied to and extracted from the air-gap in a direction substantially transverse to the direction of travel of the dope extrudate through the air-gap, that is to say horizontally when using such conventional extrusion techniques. In such a transverse arrangement, the current of air flowing across the air-gap may conveniently be referred to as a cross-draft.” Page 3, lines 2-8. Moreover, Graveson provides no motivation to modify its teachings. Rather, Graveson teaches away from providing a cooling gas stream oriented in the direction of passage, teaching that “[a]ir is preferably supplied to and extracted from the air-gap in a direction substantially transverse to the direction of travel of the dope extrudate through the air-gap.” Page 3, lines 2-4. Furthermore, with no motivation to modify Graveson, one skilled in the art would not reasonably expect the modification to succeed.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 11. Withdrawal of the rejection is respectfully requested.

Claim 12 is also allowable for the following additional reasons. Claim 12 recites that “the inclination ( $\beta$ ) of the cooling gas stream in the direction of passage is greater than the expansion ( $\gamma$ ) of the cooling gas stream.” In contrast, Zikeli discloses directing the gas stream essentially at right angles to the direction of extrusion. Col. 3, lines 14-16 and claim 1. Accordingly, claim 12 is novel over Zikeli.

Claim 12 is also not obvious over Zikeli. First, a *prima facie* case of obviousness has not been set forth for claim 12, because Zikeli does not teach or suggest “a cooling gas stream having an inclination in the direction of passage greater than the expansion of the cooling gas stream,” as discussed above. Moreover, Zikeli provides no motivation to modify its teachings, nor has the Examiner indicated where motivation to modify the teachings of Zikeli may be found.

Applicants again respectfully remind the Examiner that deficiencies of references cannot be saved by appeals to “common sense” and “basic knowledge” without any evidentiary support. In re Zurko, 258 F.3d 1379 (Fed. Cir. 2001). In fact, Zikeli teaches away from providing a cooling gas stream having an inclination in the direction of passage greater than the expansion of the cooling gas stream, teaching that “[i]t has proved to be especially effective when the gas stream is essentially at right angles to the direction of extrusion.” Col. 3, lines 14-16 (emphasis added). Furthermore, with no motivation to modify Zikeli, one skilled in the art would not reasonably expect the modification to succeed.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 12. Withdrawal of the rejection is respectfully requested.

Claim 12 is also not obvious over Graveson. First, a *prima facie* case of obviousness has not been set forth for claim 12, because Graveson does not teach or suggest “a cooling gas stream having an inclination in the direction of passage greater than the expansion of the cooling gas stream.” Rather, Graveson teaches that “[a]ir is preferably supplied to and extracted from the air-gap in a direction substantially transverse to the direction of travel of the dope extrudate through the air-gap, that is to say horizontally when using such conventional extrusion techniques. In such a transverse arrangement, the current of air flowing across the air-gap may conveniently be referred to as a cross-draft.” Page 3, lines 2-8. Moreover, Graveson provides no motivation to modify its teachings. Rather, Graveson teaches away from providing a cooling gas stream having an inclination in the direction of passage greater than the expansion of the cooling gas stream, teaching that “[a]ir is preferably supplied to and extracted from the air-gap in a direction substantially transverse to the direction of travel of the dope extrudate through the air-gap.” Page 3, lines 2-4. Furthermore, with no motivation to modify Graveson, one skilled in the art would not reasonably expect the modification to succeed.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 12. Withdrawal of the rejection is respectfully requested.

Claims 2-17 and 23 may contain additional patentable subject matter for reasons that may not be discussed herein. Allowance of these claims is respectfully requested.

### **Independent Claim 18**

Independent claim 18 stands rejected under 35 U.S.C. § 112, second paragraph as indefinite for containing the phrase “such as.” Applicants have deleted the clause beginning “such as” from claim 18, and made it the subject of dependent claim 24. Applicants respectfully submit that the amendment overcomes the rejection and request that it be withdrawn.

Independent claim 18 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Zikeli. Claim 18 recites the following: “A method for producing continuously molded bodies from a molding material, the molding material being first extruded to obtain continuously molded bodies, the continuously molded bodies being then passed through the air gap and stretched in said air gap and blown at with a gas stream, and the continuously molded bodies being then guided through a precipitation bath, wherein the continuously molded bodies in air gap are first passed through a shielding zone and then through a cooling area, the blowing operation being performed in the cooling area by means of the gas stream—designed as the cooling gas stream.”

Zikeli does not teach a method for producing continuously molded bodies comprising first passing the bodies through a shielding zone and then through a cooling area. Contrary to the assertion of the Examiner, Zikeli does not teach a shielding zone, nor is such a shielding zone indicated in Figure 1, or indeed anywhere in this reference. Rather, Zikeli’s method is carried out with a device comprising “an extrusion die with an extrusion orifice and is characterized in that immediately below the extrusion orifice a cooling gas inlet is provided for cooling the extruded sheet.” Col. 2, lines 25-27, emphasis added.

Applicants respectfully submit that Zikeli therefore fails to disclose each and every element of claim 18, and does not anticipate claim 18. Accordingly, allowance of claim 18 is respectfully requested.

Independent claim 18 stands rejected under 35 U.S.C. §103(a) as being obvious over Zikeli. The Examiner concedes that “Zikeli et al do not explicitly teach the aspect of a shielding zone,” but states that “this aspect would have been obvious to one of skill in the art at the time the invention was made principally because Zikeli et al teach a distance between an extrusion orifice and a cooling zone (note in particular Figure 1, the distance between the extrusion orifice and the inlets/channels 2a and 2b).” Office action, page 5, part 11.



The requirements for a *prima facie* case of obviousness have been set forth above for claim 1. First, Zikeli does not teach or suggest each element of the claim 18. Zikeli does not teach or suggest a method comprising passing continuously molded bodies through a shielding zone as recited in claim 18, nor is such a shielding zone even mentioned by Zikeli, including Figure 1. Rather, as discussed above, Zikeli teaches that the device for molding bodies “comprises an extrusion die with an extrusion orifice and is characterized in that immediately below the extrusion orifice a cooling gas inlet is provided for cooling the extruded sheet.” Col. 2, lines 25-27, emphasis added. Moreover, Zikeli teaches away from including any such shielding zone in a method for making continuously molded bodies by teaching that “the cool extruded product is drawn through an air-gap.” Col. 3, lines 57-58. Therefore, according to Zikeli the extruded solution is cooled as soon as it leaves the extrusion orifice, even before entering the air-gap.

Second, Zikeli provides no motivation for one of skill in the art to modify its teachings to include a shielding zone in a method for making continuously molded bodies. Claim 18 recites “wherein the continuously molded bodies in air gap are first passed through a shielding zone and then through a cooling area.” Zikeli contains no suggestion that would motivate one of skill in the art to include these steps in the method of claim 18, nor has the Examiner indicated where any such motivation may be found. Again, Applicants respectfully remind the Examiner that deficiencies of references cannot be saved by appeals to “common sense” and “basic knowledge” without any evidentiary support. In re Zurko, 258 F.3d 1379 (Fed. Cir. 2001). Indeed, not only is no motivation found in Zikeli, as discussed above, Zikeli teaches away from including a shielding zone.

Third, given not only the absence of motivation to modify Zikeli, but also the emphasis placed by Zikeli on the cooling gas inlet being immediately below the extrusion orifice, and the extruded solution being cool before entering the air-gap, one of skill in the art would not have a reasonable expectation that a shielding zone could be successfully incorporated into the method of claim 18.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 18. Withdrawal of the rejection is respectfully requested.

Independent claim 18 stands rejected under 35 U.S.C. §103 (a) as being obvious over Graveson. The requirement to establish a *prima facie* case of obviousness has been discussed above.

First, Graveson does not teach or suggest each element of the claim 18. Graveson does not teach, suggest or even mention method incorporating a shielding zone as recited in claim 18. Rather, Graveson teaches that the solution “is extruded by way of a dye through an air-gap [...] the air-gap comprises a first region adjacent the face of the die,” page 2, lines 4-10 (emphasis added), and that “a first supply of air is blown into the air-gap 3 in a first region 9 adjacent the spinnerette 2.” Page 6, lines 15-16 (emphasis added).

Second, Graveson provides no motivation for one of skill in the art to modify its teachings to include a shielding zone in a method for making continuously molded bodies. While the Examiner appears to suggest that one of skill in the art would be motivated to eliminate the blowing nozzle of the first region in the air-gap in a method for making continuously molded bodies, the Examiner has not indicated where this motivation to modify Graveson, either in the teachings of Graveson itself, or in the knowledge generally available to one of ordinary skill in the art, can be found. The Examiner asserts that “the elimination of an element (i.e., blowing nozzle 7 and suction nozzle 8) and its function (e.g., longer air gap) would have been obvious to one of ordinary skill in the art at the time the invention was made if the function is not desired.” Office action, page 6, part 12. The Examiner further asserts that “the length of the air gap could be shortened, which would result in, among other things, a more stable process,” (see Office action, page 6, part 12), but provides no basis or support for making this assertion. Applicants respectfully remind the Examiner that deficiencies of references cannot be saved by appeals to “common sense” and “basic knowledge” without any evidentiary support. *In re Zurko*, 258 F.3d 1379 (Fed. Cir. 2001). Applicants, furthermore, respectfully note that the reference must be viewed without the benefit of impermissible hindsight afforded by the claimed invention. MPEP § 2141. Because no valid basis was provided for modifying the reference, Applicants can only conclude that in making the rejection, the Examiner relied on impermissible hindsight to arrive at the claimed invention.

Moreover, contrary to the Examiner’s assertion that the use of an additional (first) blowing nozzle (7) can be eliminated from Graveson, it is, in fact, the essence of Graveson’s invention that the “air-gap comprises a first region adjacent to the face of the die and the second

region remote from the face of the die.” See claim 1. Graveson provides no motivation whatsoever to modify its teachings to include a shielding zone, or to eliminate the blowing nozzle of the first region in the air-gap. Rather, Graveson teaches in Example 4 that the tow of lyocell filaments is passed “through a 30 mm air-gap. The two supplies of air were blown transversely across the tow [...] from a 5 mm blowing nozzle disposed that immediately adjacent a spinnerette and [...] from a 25 mm blowing nozzle disposed over the lower portion of the air-gap.” Page 17, lines 12-17.

Third, one of skill in the art would not have a reasonable expectation that a shielding zone could be successfully incorporated into the method as recited in claim 18, not least because Graveson provides no motivation to include such a feature.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 18. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, allowance of claim 18 is respectfully requested.

#### **Dependent Claims 19-21 and 24**

Claims 19-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Zikeli, as obvious under 35 U.S.C. § 103(a) over Zikeli, and as obvious under 35 U.S.C. § 103(a) over Graveson. Claims 19-21 and 24 depend from allowable claim 18, and are therefore allowable. Claims 19-22 and 24 may contain additional patentable subject matter for reasons that may not be discussed herein. Allowance of claims 19-24 is respectfully requested.

#### **Independent Claim 22**

Independent claim 22 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Zikeli. Claim 22 recites the following: “A method for reducing the surface tackiness of a molding material during molding, comprising: (a) extruding the molding material to obtain continuously molded bodies; (b) stretching the continuously molded bodies through an air gap, the air gap comprising a shielding zone and a cooling area, wherein the continuously molded bodies are blown at with a cooling gas stream in the cooling area, thereby reducing the surface tackiness of the molding material; (c) guiding the continuously molded bodies through a precipitation bath.”

Zikeli does not teach a method for producing continuously molded bodies comprising stretching the bodies through an air-gap comprising a shielding zone and a cooling area. Contrary to the assertion of the Examiner, Zikeli does not teach a shielding zone, nor is such a shielding zone indicated in Figure 1, or indeed anywhere in this reference. Rather, Zikeli's method is carried out with a device comprising "an extrusion die with an extrusion orifice and is characterized in that immediately below the extrusion orifice a cooling gas inlet is provided for cooling the extruded sheet." Column 2, lines 25-27, emphasis added.

Applicants respectfully submit that Zikeli, therefore, fails to disclose each and every element of claim 22, and does not anticipate claim 22. Accordingly, allowance of claim 22 is respectfully requested.

Independent claim 22 stands rejected under 35 U.S.C. §103 (a) as being obvious over Zikeli. The Examiner concedes that "Zikeli et al do not explicitly teach the aspect of a shielding zone," but states that "this aspect would have been obvious to one of skill in the art at the time the invention was made principally because Zikeli et al teach a distance between an extrusion orifice and a cooling zone (note in particular Figure 1, the distance between the extrusion orifice and the inlets/channels 2a and 2b)." Office action, page 5, part 11.

The requirements for a *prima facie* case of obviousness have been set forth above for claim 1. First, Zikeli does not teach or suggest each element of the claim 22. Zikeli does not teach or suggest a method comprising stretching continuously molded bodies through a shielding zone as recited in claim 22, nor is such a shielding zone even mentioned by Zikeli, including Figure 1. Rather, as discussed above, Zikeli teaches that the device for molding bodies "comprises an extrusion die with an extrusion orifice and is characterized in that immediately below the extrusion orifice a cooling gas inlet is provided for cooling the extruded sheet." (Column 2, lines 25-27, emphasis added). Moreover, Zikeli teaches away from including any such shielding zone in a method for making continuously molded bodies by teaching that "the cool extruded product is drawn through an air-gap." Col. 3, lines 57-58. Therefore, according to Zikeli the extruded solution is cooled as soon as it leaves the extrusion orifice, even before entering the air-gap.

Second, Zikeli provides no motivation for one of skill in the art to modify its teachings to include a shielding zone in a method for making continuously molded bodies. Claim 22 recites "stretching the continuously molded bodies through an air gap, the air gap comprising a

shielding zone and a cooling area.” Zikeli contains no suggestion that would motivate one of skill in the art to include this step in the method of claim 22, nor has the Examiner indicated where any such motivation may be found. Again, Applicants respectfully remind the Examiner that deficiencies of references cannot be saved by appeals to “common sense” and “basic knowledge” without any evidentiary support. In re Zurko, 258 F.3d 1379 (Fed. Cir. 2001). Indeed, as discussed above, Zikeli teaches away from including a shielding zone.

Third, given not only the absence of motivation to modify Zikeli, but also the emphasis placed by Zikeli on the cooling gas inlet being immediately below the extrusion orifice, and the extruded solution being cool before entering the air-gap, one of skill in the art would not have a reasonable expectation that a shielding zone could be successfully incorporated into the method of claim 22.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 22. Withdrawal of the rejection is respectfully requested.

Independent claim 22 stands rejected under 35 U.S.C. §103 (a) as being obvious over Graveson. The requirement to establish a *prima facie* case of obviousness has been discussed above.

First, Graveson does not teach or suggest each element of the claim 22. Graveson does not teach, suggest or even mention method incorporating a shielding zone as recited in claim 22. Rather, Graveson teaches that the solution “is extruded by way of a dye through an air-gap [...] the air-gap comprises a first region adjacent the face of the die,” page 2, lines 4-10 (emphasis added), and that “a first supply of air is blown into the air-gap 3 in a first region 9 adjacent the spinnerette 2.” Page 6, lines 15-16 (emphasis added).

Second, Graveson provides no motivation for one of skill in the art to modify its teachings to include a shielding zone in a method for making continuously molded bodies. While the Examiner appears to suggest that one of skill in the art would be motivated to eliminate the blowing nozzle of the first region in the air-gap in a method for making continuously molded bodies, the Examiner has not indicated where this motivation to modify Graveson, either in the teachings of Graveson itself, or in the knowledge generally available to one of ordinary skill in the art, can be found. Again, Applicants respectfully remind the Examiner that deficiencies of references cannot be saved by appeals to “common sense” and

“basic knowledge” without any evidentiary support. In re Zurko, 258 F.3d 1379 (Fed. Cir. 2001). The Examiner asserts that “the elimination of an element (i.e., blowing nozzle 7 and suction nozzle 8) and its function (e.g., longer air gap) would have been obvious to one of ordinary skill in the art at the time the invention was made if the function is not desired.” Office action, page 6, part 12. The Examiner further asserts that “the length of the air gap could be shortened, which would result in, among other things, a more stable process,” Office action, page 6, part 12, but provides no basis or support for making this assertion. Applicants respectfully note that the reference must be viewed without the benefit of impermissible hindsight afforded by the claimed invention. MPEP § 2141. Because no valid basis was provided for modifying the reference, Applicants can only conclude that in making the rejection, the Examiner relied on impermissible hindsight to arrive at the claimed invention.

Moreover, contrary to the Examiner’s assertion that the use of an additional (first) blowing nozzle (7) can be eliminated from Graveson, it is, in fact, the essence of Graveson’s invention that the “air-gap comprises a first region adjacent to the face of the die and the second region remote from the face of the die.” See claim 1. Graveson provides no motivation whatsoever to modify its teachings to include a shielding zone, or to eliminate the blowing nozzle of the first region in the air-gap. Rather, Graveson teaches in Example 4 that the tow of lyocell filaments is passed “through a 30 mm air-gap. The two supplies of air were blown transversely across the tow [...] from a 5 mm blowing nozzle disposed that immediately adjacent a spinnerette and [...] from a 25 mm blowing nozzle disposed over the lower portion of the air-gap.” Page 17, lines 12-17.

Third, one of skill in the art would not have a reasonable expectation that a shielding zone could be successfully incorporated into the method of claim 22, not least because Graveson provides no motivation to include such a feature.

Accordingly, Applicants respectfully submit that a *prima facie* case of obviousness has not been established with respect to claim 22. Withdrawal of the rejection is respectfully requested.

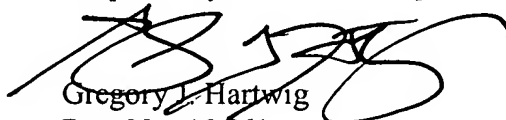
In view of the foregoing, allowance of claim 22 is respectfully requested.

**CONCLUSION**

In view of the foregoing, consideration and allowance of claims 1-24 are respectfully requested. The Examiner is strongly encouraged to contact the undersigned by telephone at the Examiner's convenience should any issues remain.

Please charge the fees associated the addition of new claims and the terminal disclaimer to deposit account number 13-3080. No additional fees are believed to be due in connection with this submission. However, if any additional fees are owed, please charge such fees to deposit account number 13-3080.

Respectfully submitted,

  
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